

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,	:
	:
v.	: Criminal No. 1:02-cr-37
	:
JOHN PHILIP WALKER LINDH,	:
	:
Defendant.	:

UNOPPOSED/AGREED MOTION TO CONTINUE

COMES NOW the defendant, JOHN PHILIP WALKER LINDH, by his CJA appointed counsel, WILLIAM B. CUMMINGS, ESQUIRE, and moves this Court to continue the consideration of the request of the United States Probation Office to impose additional special conditions of supervised release on Mr. Lindh, including both the submission of briefs and the hearing for a period of two weeks, and for it he states:

1. On March 21, 2019, this Court entered an Order requiring the government to file its brief on its position concerning the Probation Office's request that this Court impose additional conditions of release on Mr. Lindh by March 29, 2019. The Court's Order also required Mr. Lindh, through counsel, to file his brief in opposition to the Probation Office's request by April 5, 2019, and scheduled the hearing on the request for April 12, 2019.
2. Mr. Cummings had previously represented Mr. Lindh but does not recall speaking with him, or communicating with him, his family, or his other counsel in more than 15 years.
3. On March 25, 2019, Mr. Cummings was notified by the CM/ECF system that he had been appointed to represent Mr. Lindh with respect to this matter. That same day he sent a letter to Mr. Lindh at FCI Terre Haute, seeking Mr. Lindh's input in dealing with the proposed additional conditions.

4. Mr. Cummings has discussed this matter with AUSA John Gibbs to determine if this matter could be concluded without the need for briefs and a hearing, and they are optimistic that a unified position may be able to be presented to the Probation Office and the Court. However, such a position cannot be reached until Mr. Cummings has had the opportunity to discuss the matter, in detail, with Mr. Lindh.
5. Mr. Lindh, through Mr. Cummings, and with the agreement of the government, is seeking a two week delay in the briefing and hearing schedule in this matter, in order for Mr. Cummings to be able to communicate with his client about the matter.¹ Such a delay would still allow the Court to resolve this matter prior to Mr. Lindh's proposed late May 2019 release date from Bureau of Prisons custody.
6. Mr. Cummings has contacted Bureau of Prisons personnel in Terre Haute by telephone and email to initiate the clearance process to allow him to speak with Mr. Lindh directly, and has been able to schedule a telephone conference with Mr. Lindh at 1:00 p.m. on March 29, 2019.
7. Although an initial telephone conference between Mr. Cummings and Mr. Lindh is scheduled, the results of such a discussion will then need to be discussed with the government, and then, if agreement is reached with the government, with the Probation Office.
8. There is not enough time for Mr. Cummings and Mr. Lindh to communicate with each other, for Mr. Cummings to communicate with the government and for Mr. Cummings to then discuss an agreed position with the Probation Office prior to the government's brief submission deadline

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Although Mr. Cummings initially sought a one week delay, AUSA Gibbs is unavailable due to other obligations and requested that the delay be for two weeks.

of March 29, 2019.

9. In order to effectively represent his client, and to potentially reduce or eliminate the need for briefs and a hearing, without impacting the ability of this Court to rule on the matter in a timely fashion, Mr. Cummings seeks the two week delay to April 12, 2019 for the government's brief, April 19, 2019 for Mr. Lindh's brief and April 26, 2019 (or such other date thereafter as the Court requires) for the hearing date.
10. Mr. Cummings requests that this Court rule on this unopposed/agreed motion without requiring a response from the government, without a hearing, and at the first available opportunity.

Respectfully submitted,

JOHN PHILIP WALKER LINDH

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of March, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following registered ECF users:

John Gibbs, Esquire
United States Attorney's Office for
the Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, Virginia 22314
John.Gibbs@usdoj.gov

AND I hereby certify that on March 18, 2019 I am mailing/hand-delivering the foregoing document, and the NEF, to the following non-filing user:

Raymond M. Hess
Senior U.S. Probation Officer
401 Courthouse Square
Alexandria, VA 22314

/s/

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